IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES

In re application of:

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| Gottsman, Edward J. | Examiner: Corrielus, Jean M. |
| Application No.: 09/824,355 | Group Art Unit: 2162 |
| Filed: April 2, 2001 | Docket No.: 33836.00.0044 |
| For: MATRIX BASED USER INTERFACE AND SYSTEM FOR CREATING THE SAME | |

## APPEAL BRIEF PURSUANT TO 37 C.F.R. § 41.37

Dear Sir:

Appellant submits this brief further to the Notice of Appeal filed February 1, 2008 in the

above-identified application.

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## I.     Real Party in Interest

Accenture LLP is the real party in interest in this appeal by virtue of an executed Assignment from the named Inventor of their entire interest to Accenture LLP.  The Assignment evincing such ownership interest was recorded on June 4, 2002, in the United States Patent and Trademark Office at Reel 012961, Frame 0969.

## II.    Related Appeals and Interferences

To Appellant' knowledge, there are no related Appeals or Interferences filed, pending, or decided.

## III.    Status of Claims

The originally filed Application contained claims 1-15, and claims 16-18 were added by amendment in Appellant's Preliminary Amendment dated January 23, 2006. Claims 12-18 were subsequently withdrawn. Claims 1-4, 8, 10 and 11 were amended during prosecution of the instant application. Claims 1-11 are rejected. No claims have been allowed and there are no objections to the claims. A copy of appealed claims 1-11 are attached at Appendix A. Of the pending, appealed claims, claims 1 and 10 are independent.

**IV.     Status of Amendments**

A non-final Office Action was mailed May 18, 2007.  In response, an Amendment and Response was filed by Appellant on August 13, 2007 amending claims 3 and 8.  A final Office Action was subsequently mailed November 1, 2007 (the "Final Office Action").   No amendments to the claims have been made subsequent to the Final Office Action, and the claims listed in Appendix A reflect the claims as they stood at the time the Final Office Action was mailed.

## V.  Summary of Claimed Subject Matter

The disclosure of the present invention generally describes a graphical user interface for use in viewing the contents of a database or other collection of digital assets.  (page 2, lines 8-9) Prior art techniques were limited in their ability to quickly convey information concerning the nature of the contents of the database, such as the distribution of elements within the database, or a relative quantity of elements for one subject versus another.  (page 1, line 13 – page 2, line 2) To this end, the instant application discloses a graphical user interface implemented via a computer system, including a display and a user selection device.  (page 2, lines 9-11; FIG. 1, elements 142 and 128, 130)  Information about the database is displayed in a matrix form comprising a number of cells, with one or more of the cells comprising one or more icons corresponding to elements of information in the database.  (page 2, lines 11-12, 15-16; FIGs. 3 and 4; page 14, lines 5-6; FIG. 5, block 502)  Row headings and column headings, preferably indicating, for example, sources and subject matter, respectively, of the database elements may also be included.  (page 2, lines 12-14; FIG. 3, elements 302, 304)  In this manner, the number of icons within each cell visually indicates to the user the number of database elements that correspond to a particular source and a particular subject matter.  (page 2, lines 19-21; page 12, lines 16-19)  As a user activates the user selection device to move a graphic pointer over a particular one of the icons, the corresponding element is quickly displayed on the display.  (page 2, line 21 – page 3, line 1; FIG. 5, block 506; page 14, lines 7-9)  The user interface also preferably includes a search function, which permits the user to enter a search string and, in response, the icons corresponding to database elements containing the search string are modified in a visually perceptible manner to indicate to the user which database elements are responsive to

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the user's search. (page 3, lines 5-9; FIG. 5, blocks 512, 514; page 14, lines 13-18) Specific summaries of the claimed subject matter are set forth below.

Claim 1 concerns a method, in a computer system (FIG. 1) comprising a display (142) and a user selection device (128, 130), that permits a user to quickly view elements (page 2, lines 16-17) in a database (FIG. 2, elements 202, 204, 210; page 9, line 14 – page 10, line 21). In particular, a matrix comprising a plurality of cells (FIGs. 3 and 4, element 306; page 2, lines 11-12; page 12, lines 14-15), one or more of the cells comprising a plurality of icons (FIGs. 3 and 4; page 12, lines 14-15), is displayed in a matrix area (FIGs. 3 and 4; FIG. 5, block 502; page 14, lines 4-5) of the display. Each displayed icon corresponds to an element in the database. (page 2, lines 15-16; page 12, lines 14-19) The displayed matrix includes row headings (FIG. 3, element 302) and column headings (FIG. 3, element 304). An icon selection signal is received when a user selects one of the displayed icons (page 4, lines 7-8; FIG. 5, block 506; page 14, lines 7-9) and, in response, a database element corresponding to the selected icon is displayed (page 4, lines 8-9; FIG. 5, block 508; page 14, lines 9-10)

Claim 2 states that the row headings identify sources from which the elements are obtained and the column headings identify subject matter to which the elements relate. (page 2, lines 12-15; page 12, lines 11-12)

Claim 3 states that, in response to receiving the icon selection signal, a visually perceptive characteristic of one of the icons is changed. (page 2, lines 17-19; FIG. 5, block 510; page 14, lines 10-12)

Claim 4 states that, in response to receiving a search request input from a user, a visually perceptive characteristic of those icons corresponding to elements that satisfy the search request is changed. (page 3, lines 5-9; FIG. 5, block 512, 514; page 14, lines 13-18)

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Claim 5 states that the element displayed can be periodically changed without intervention by the user. (page 19, lines 17-19)

Claim 6 states that the element being displayed may comprise a digital image. (page 4, line 10; page 20, line 11)

Claim 7 states that the element being displayed may comprise a textual excerpt. (page 4, lines 10-11; page 20, line 11)

Claim 8 states that a title relating to the displayed element may be displayed in a title location, whereas a source of the element may be displayed in a source location. (FIG. 3, elements 314, 310; page 13, lines 5-7)

Claim 9 states that selection of the icon occurs when the user superimposes a pointing indicator on the icon. (page 2, line 21 – page 3, line 1; page 3, lines 4-5)

Claim 10 concerns a computer-readable medium that has computer-executable instructions (FIG. 1, elements 112, 118; page 6, lines 3-18) for performing a method essentially equivalent to the method set forth in claim 1.

Finally, Claim 11 states that the computer-readable medium has computer-executable instructions (FIG. 1, elements 112, 118; page 6, lines 3-18) for performing a method essentially equivalent to the method set forth in claim 4.

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## VI.    Grounds of Rejection to be Reviewed on Appeal

Claims 1-11 stand rejected under 35 U.S.C. § 102(b) as being anticipated by Benson (U.S. Patent No. 5,650,800).

## VII.  Argument

A.  Brief Summary Of The Benson Reference

Benson teaches a remote sensor network that includes at least one remote interface module having an interactive display.  (abstract)  The remote interface modules 90 comprise, among other things, a housing 92 supporting a display screen 100.  (FIG. 3; col. 7, lines 3-9)  A "touch sensor matrix 102 *which is shown in phantom*", i.e., a touch screen, is provided "immediately adjacent the display screen, and between [the display screen 100] and a user . . . ." (FIG. 3, col. 7, lines 18-20; emphasis added)  Because the touch sensor matrix 102 is shown in phantom, i.e., broken lines, the reader of the disclosure of Benson will appreciate that the lines illustrating the touch sensor matrix 102 are not, in fact, displayed on Benson's display screen 100, but are instead provided to illustrate the extent and coverage of the touch sensor matrix 102 relative to the display screen 100.  Various icons representative of sensors or functions that may be performed on the sensors are illustrated in the display screen 100.  (E.g., FIG. 5, elements 156, 158, 160; FIGs. 6 and 7)  Appellant also note that FIG. 5 of Benson illustrates coordinate indicia along the columns (e.g., A-F) and rows (e.g., 1-5) of the phantom-illustrated matrix depicted therein.

B.  The Cited Reference Does Not Teach The Claimed Subject Matter As Alleged

Anticipation under 35 U.S.C. § 102 occurs "only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." (M.P.E.P. § 2131, citing *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987)).

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1.    CLAIMS 1 AND 10

    a.    "displaying a matrix"

Referring, for example, to the instant rejection of claim 1, it is asserted that Benson teaches "displaying in a matrix areas on the display a matrix having a plurality of cells and a plurality of icons displayed in one or more of the cells". (Final Office Action, page 3, lines 1-3: "The examiner has relied upon the teachings of Benson in fig. 7 to show a display matrix area having a plurality of cells and plurality of icons displaying in one or more cells.") However, as noted in the description of the teachings of Benson above, the description of FIG. 3 makes clear that the broken lines in FIG. 3 (and, therefore, FIGs. 5-9) *are not displayed on Benson's display screen 100*, but are in fact representative of touch sensor matrix 102 used to detect user inputs made through the touch sensors (see, e.g., FIG. 4, the "touch sensitive matrix 102" coupled to a "matrix scanner 118" that, in turn, is coupled to a "microprocessor 104"). Thus, Benson is perfectly clear that it does not, if fact, display anything like a matrix on its display. The fact that Benson makes use of the word "matrix" is inapposite to the "displaying a matrix" limitation because Benson's use of that term refers to a structural component (i.e., a touch sensor matrix 102) of his remote interface module, not to anything that is actually displayed on the display 100. In short, no reasonable interpretation of the teachings of Benson would permit the conclusion that the broken lines illustrated in FIGs. 3 and 5-9 are displayed on the display screen 100. For this reason, Appellant respectfully submits that Benson fails to teach a matrix displayed within a matrix area on a display and therefore fails to anticipate claim 1 and the claims depending therefrom.

    b.    "the matrix including displayed row headings and column headings"

It has been further asserted that FIG. 5 of Benson teaches the presently-claimed "the matrix including displayed row headings and column headings" limitation to the extent that "row

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headings (A-F) and column headings (1-5)" are illustrated in FIG. 5. Appellant notes, however, that the coordinate indicia (i.e., the (A-F) and (1-5) headings) taught by Benson *are not displayed* on his display 100. Simple comparison of Benson's FIGs. 3 and 5 illustrates that his coordinate indicia are illustrated outside the boundaries of the display 100. Thus, Benson fails to teach displaying anything on his display analogous to the claimed row headings and column headings. In addition to demonstrating a patentable difference between instant claim 1 and Benson, this distinction is significant because the actual display of the row and column headings provides greater flexibility in conveying information to the user to the extent that they may be more readily changed to reflect the particular characteristics of the database being displayed. (see instant application: page 12, lines 11-13; page 15, lines 4-13) For this reason, Appellant respectfully submits that Benson fails to teach a matrix displayed within a matrix area on a display and therefore fails to anticipate claim 1 and the claims depending therefrom.

    2.       CLAIM 2

       With regard to claim 2, it is asserted that Benson teaches the claimed row headings identifying sources from which the database elements are obtained and column headings identifying subject matter to which the database elements relate by virtue of Benson's coordinate indicia along the columns (e.g., A-F) and rows (e.g., 1-5) of FIG. 5. Ignoring for the moment the fact that Benson's coordinate indicia do not meet the basic requirement that the matrix headings are displayed on the display, as noted above, Appellant further notes that Benson's coordinate indicia are capable of no more than identifying a particular location on the display screen 100, and in no way identify sources or subject matter of the database elements corresponding to the displayed icons. For this reason, Appellant respectfully submits that Benson fails to anticipate claim 2.

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Appellant additionally notes that claim 2 is a dependent claim. Thus, the arguments separately presented herein with respect to those claims from which claim 2 depends apply equally hereto and are incorporated by this reference.

### 3.    CLAIM 3

With regard to claim 3, it is asserted that Benson, at col. 3, lines 38-42, teaches "the claimed 'visually perceptible characteristic of one of the icons.'" However, the language in claim 3 noted in the Office Action actually reads "changing a visually perceptive characteristic of one of the icons in response to receiving the icon selection signal." Given this, Appellant notes that the cited portion of Benson fails to mention changing a visually perceptible characteristic of anything, much less in response to an "icon selection signal." For this reason, Appellant respectfully submits that Benson fails to anticipate claim 3.

Appellant additionally notes that claim 3 is a dependent claim. Thus, the arguments separately presented herein with respect to that claim from which claim 3 depends apply equally hereto and are incorporated by this reference.

### 4.    CLAIMS 4 & 11

With regard to, for example, claim 4, it is asserted that Benson teaches receiving a search request input and changing a visually perceptive characteristic of icons that correspond to elements that satisfy the search request. Benson does appear to teach the ability to query its "control system" (col. 4, lines 1-2) and to set the brightness level of displayed icons (col. 8, lines 40-45). However, even assuming that, Appellant respectfully submits that that Benson fails to teach *changing* visually perceptible characteristics of icons corresponding to database search results. That is, even though Benson teaches that icons can have different brightness levels assigned thereto, there is no teaching that such brightness levels are *modified* in response to the

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underlying database elements being identified through a search request. For this reason, Appellant respectfully submits that Benson fails to anticipate claims 4 and 11.

Appellant additionally note that claims 4 and 11 are dependent claims. Thus, the arguments separately presented herein with respect to those claims from which claims 4 and 11 depend apply equally hereto and are incorporated by this reference.

5.    CLAIM 5

With regard to claim 5, it is asserted that Benson teaches the claimed "periodically changing, without intervention by the user, the element that is displayed." To this end, the same portion of Benson concerning the different brightness levels that may be assigned to Benson's icons (col. 8, lines 40-45) is cited. However, the brightness level of icons is wholly unrelated to periodically displaying different database elements (i.e., the elements underlying the displayed icons) without user intervention. For this reason, Appellant respectfully submits that Benson fails to anticipate claim 5.

Appellant additionally notes that claim 5 is a dependent claim. Thus, the arguments separately presented herein with respect to that claim from which claim 5 depends apply equally hereto and are incorporated by this reference.

6.    CLAIM 6

Regarding claim 6, it is asserted that Benson teaches the claimed element comprising a digital image. However, given its dependency on claim 1, it is clear that the claimed element refers to an element in the database. In contrast, the cited portion of Benson (presumably, col. 8, lines 38-42 to the extent that the rejection refers to "brightness levels") refers to the fact that the *icons*, as opposed to the database *elements* they represent, may be digital images. Stated another way, the digital images taught by Benson does not refer to the "database elements" themselves,

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but to icons that are representative of such elements. For this reason, Appellant respectfully submits that Benson fails to anticipate claim 6.

Appellant additionally notes that claim 6 is a dependent claim. Thus, the arguments separately presented herein with respect to that claim from which claim 6 depends apply equally hereto and are incorporated by this reference.

7.    CLAIM 7

Regarding claim 7, it is asserted that Benson teaches the claimed element comprising a textual excerpt. To this end, the sole citation in the Final Office Action to any teachings in Benson concerning this limitation is to the entirety of FIG. 7. Appellant notes that FIG. 7 does illustrate some displayed text. However, it appears that the text shown in FIG. 7 is for the purpose of labeling specific regions in the display 100 and, in any event, is not a database element being displayed, which database element comprises a textual form. Stated another way, showing labels to identify particular regions on a display is not the same as displaying database elements that take a textual form. For this reason, Appellant respectfully submits that Benson fails to anticipate claim 7.

Appellant additionally notes that claim 7 is a dependent claim. Thus, the arguments separately presented herein with respect to that claim from which claim 7 depends apply equally hereto and are incorporated by this reference.

8.    CLAIM 8

Regarding claim 8, it is alleged that Benson teaches the claimed "displaying in a title location a title relating to the element" and "displaying in a source location a source of the element". Once again, it is asserted that these limitations are taught by Benson through reference to the entirety of Benson's FIG. 7. However, Appellant respectfully submits there is neither a

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title nor a source related to an element illustrated in FIG. 7, much less a teaching of a specific title location or source location. For this reason, Appellant respectfully submits that Benson fails to anticipate claim 8.

Appellant additionally notes that claim 8 is a dependent claim. Thus, the arguments separately presented herein with respect to that claim from which claim 8 depends apply equally hereto and are incorporated by this reference.

9.      CLAIM 9

Regarding claim 9, it is alleged that Benson teaches the claimed selection of an icon "by superimposing a pointing indicator on the icon." The portion of Benson (col. 4, lines 5-9) cited as teaching this limitation is directed to the on-demand display of a floor plan and overlay thereon of locations of sensors. The cited portion of Benson is simply silent on the issue of selecting an icon by superimposing a "pointing indicator" on the icon. For this reason, Appellant respectfully submits that Benson fails to anticipate claim 9.

Appellant additionally notes that claim 9 is a dependent claim. Thus, the arguments separately presented herein with respect to that claim from which claim 9 depends apply equally hereto and are incorporated by this reference.

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## VIII. Conclusion

For the reasons advanced above, Appellant submit that the Examiner erred in rejecting pending claims 1-11 and respectfully request reversal of the decision of the Examiner.

Respectfully submitted,

Date:January 31, 2008

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**CLAIMS ON APPEAL**

1.     In a computer system having a graphical user interface including a display and a user selection device, a method of permitting a user to quickly view elements in a database comprising:

     (a)     displaying in a matrix area on the display a matrix having a plurality of cells and a plurality of icons displayed in one or more of the cells, the matrix including displayed row headings and column headings and each icon corresponding to an element in the database;

     (b)     receiving an icon selection signal in response to a user selecting one of the icons with the user interface selection device; and

     (c)     in response to the icon selection signal, displaying a corresponding element.

2.     The method of claim 1, wherein the row headings identify sources from which the elements are obtained and the column headings identify subject matter to which the elements relate.

3.     The method of claim 1, further including the step of changing a visually perceptive characteristic of one of the icons in response to receiving the icon selection signal.

4.     The method of claim 1, further including:

     (d)     receiving from the user a search request input from a user input device; and

(e)      changing a visually perceptive characteristic of icons that correspond to elements that satisfy the search request.

5.      The method of claim 1, further including the step of periodically changing, without intervention by the user, the element that is displayed.

6.      The method of claim 1, wherein the element comprises a digital image.

7.      The method of claim 1, wherein the element comprises a textual excerpt.

8.      The method of claim 1, further including:

(d)      displaying in a title location a title relating to the element; and

(e)      displaying in a source location a source of the element.

9.      The method of claim 1, wherein the user selects the icon by superimposing a pointing indicator on the icon.

10.      A computer-readable medium having computer-executable instructions for performing:

(a)      displaying in a matrix location of a display a matrix of a plurality of icons, the matrix including displayed row headings and column headings and each icon corresponding to a file;

(b)      displaying in a file location of the display a file;

APPENDIX A

(c)     receiving an icon selection signal indicative of the user interface selection device pointing at one of the icons, and, in response to the selection signal, displaying a corresponding file in the file location.

11.     The computer-readable medium of claim 10, further including computer-executable instructions for performing:

(d)     receiving a search request from a user; and

(e)     changing a visually perceptive characteristic of icons that correspond to files that satisfy the search request.

APPENDIX A

## EVIDENCE APPENDIX

[NONE]

## RELATED PROCEEDINGS

[NONE]

APPENDIX C